

*for 1/20/2001*

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MEMORANDUM FOR: General Cabell

SUBJECT : Agreed Activities/NSCID #5

In line with our recent informal discussion on the proposed revisions of NSCID #5, I would like to offer the following personal comments:

1. It is my understanding that the NSCID's were reviewed on the basis of recommendation made by the Killian Committee which also indicated their belief that the DCI was not carrying out his coordination responsibilities with sufficient vigor. In this connection it is my view that the Director has no authority or responsibility to coordinate espionage, counter-espionage or clandestine collection unless the NSC directs him to do so.

2. Section 102 (d) of the National Security Act does not give the DCI or the Agency any coordinating authority; it does say "for the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interests of national security, it shall be the duty of the Agency, under the direction of the NSC:

- a. to advise the NSC.....
- b. to make recommendations to the NSC for the coordination of such intelligence activities.....
- c. to correlate and evaluate intelligence.....
- d. to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the NSC determines can be more efficiently accomplished centrally.
- e. to perform such other functions and duties related to intelligence affecting the national security as the NSC may from time-to-time direct."

3. Unless the terms of NSCID #5 specifically direct the DCI to coordinate agreed activities it will not be a function to be performed at the direction of the NSC and based on their authority to assign such a function to the Agency under the terms of the National Security act, Section 102 (d), and the DCI's "right" to coordinate will stem solely from the agreement itself; he will be a coordinator "by common agreement" not by authority or law.

4. The following changes in the third draft of the proposed revised #5 are suggested:

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Para. 1. In view of the above, I strongly suggest that the following words be added to line 6 of this paragraph, following the word "Agencies (period to be eliminated), which shall be coordinated by the DCI." In addition and for the sake of clarity, I suggest that line 5 of this paragraph be revised to read, "national security, except for certain agreed clandestine collection activities by other Departments."

Para. 2. If we now use the term "agreed protective counter-intelligence activities" it will be necessary to have an "agreement" to cover this type of operation as DCID 5/2 does not do so at this time.

Para. 3. Needs clarification because as now written it is not clear whether the DCI coordinates all clandestine collection activities with all overt collection abroad, the Agency's clandestine collection with the overt collection of other departments and agencies, or only the Agency's clandestine and overt activities. It is further confused by the fact that the preceding two paragraphs refer to "espionage", "counter-espionage", "counter-intelligence", "agreed protective counter-intelligence", and to "certain agreed activities"; no mention is made in these paragraphs to the term "clandestine collection". We should either define "clandestine collection" or use the terms set forth in the preceding paragraphs of the directive.

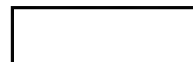
Para. 4. If, as assumed, this paragraph refers only to activities conducted by the Agency, it is suggested that lines 4 and 5 be revised to read, "advised of the U.S. espionage and counter-intelligence (including counter-espionage) conducted by the Agency in or from the area". As it now reads, we would not keep the Senior U.S. Representative advised of U.S. "counter-intelligence" activities.

Para. 5. It is suggested that this paragraph be revised to cover the "U.S. espionage and counter-intelligence" activities conducted by the Agency which will make it consistent with the preceding paragraphs of the directive. If the NSC has given this Agency the responsibility to conduct "espionage" and "counter-intelligence" let us use those specific terms in all parts of this directive and in any others that pertain to the subject.

Para. 6. Looks O. K.

A revision of the third draft of 18 April 57, along the lines suggested above is attached herewith, with major changes underlined.

I believe that DCID 5/2 should also be revised and will submit informal comments and a proposed revision of that paper in the near future.



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~~TOP SECRET~~

NATIONAL SECURITY COUNCIL INTELLIGENCE DIRECTIVE NO. 5

ESPIONAGE AND COUNTER-INTELLIGENCE OPERATIONS

Pursuant to the provisions of Section 102 (d) as amended of the National Security Act of 1947, the National Security Council hereby authorizes and directs that:

1. The Central Intelligence Agency shall conduct all U.S. espionage operations outside the United States and its possessions for the collection of foreign intelligence information to meet the needs of all Departments and agencies concerned, in connection with the national security, except for certain agreed clandestine collection activities by other Departments and Agencies which shall be coordinated by the DCI.
2. (no change from third draft of 18 April 1957)
3. (delete paragraph entirely unless its meaning can be made more clear.)
4. In all areas other than active theaters of war where U.S. forces are engaged, the designated representative of the DCI will keep the Senior U.S. Representative appropriately advised of the U.S. espionage and counter-intelligence operations conducted by the Central Intelligence Agency in or from the area.
5. In a foreign area where large U.S. military commands are stationed the designated representative of the Director of Central Intelligence will keep the Senior U.S. Military Commanders informed of the U.S. espionage and counter-intelligence activities conducted by the Central Intelligence Agency in or from such areas in direct support of such commanders.
6. (no change from third draft of 18 April 1957)

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Remarks:

The attached is the result of informal talks with Gen. C on the subject of AA and I promised to give him these personal comments in order to clarify my position on the matter. Frankly, I think it would be well to clarify this matter as there is a great deal of loose talk about the Director's "Coordinating Authority" and I don't believe he has any (OVER)

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Replaces Form 30-4  
which may be used.

unless it is specifically spelled out in the National Security Act of 1947 or is given to him by the NSC through the issuance of a directive from them. It seems to me that in the clandestine field at least, the Killian Committee is off the beam if they accuse him of failure to coordinate because at the moment he has no authority to coordinate agreed activities, he only has an agreement with Sec. Def. that he will do so. ~~There~~ ~~is~~ I believe the function of coordinating all espionage, for one thing, should be specifically charged to the D CI by the NSC at their direction.

I note that the Killian committee informed the President the DCI should be encouraged to be more active in coordination and indicated he could do the job if directed by you (the Pres.).